AMENDMENTS TO THE DRAWINGS:

NO Amendments Requested.

REMARKS/ARGUMENT

The present response amendment is being filed in response to the Official Action mailed on March 27, 2006. In the Office Action, Claims 4-6, 8, 12-14, 18, 22, 24, 25, 36, 37, and 43 are objected to because of informality, but the examiner notes that these claims are allowable if the informalities are addressed and rewritten in independent form; Claims 1-3, 7, 9-11, 15, 19, 23, 26, 30, 33-35, 38, 41, 41, and 46 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,192,325 (hereinafter "Piety et al. '325); and Claims 16, 17, 20, 21, 27-29, 31, 32, 39, 40, 44, 45, and 47 are rejected under 35 U.S.C. §103 over Piety et al. '325 in view of U.S. Publication No. 2002/0082924 A1 (hereinafter "Koether"), U.S. Patent No. 5,191,611 (hereinafter "Lang '611"), and U.S. Patent No. 5,247,460 (hereinafter "LaBudde '460 ").

Claims 1-47 are currently pending.

New claims 48-61 have been added and are identical to the allowable claims rewritten in independent form.

The Examiner objected to claim 2 on informality indicating the word "field" needs to be clarified. Responsive to the Examiner's objection, the language "field type" has been amended to "field group" in claim 2.

The Examiner objected to claims 4-6, 8, 12-14, 18, 22, 24, 25, 36, 37, and 43 on informality indicating that the language "**through a** group consisting of . . . and . . ." is unclear. However, the Applicant asserts that the claim language does not include the language "**through a** group consisting of," instead using the language "from the group consisting of." Therefore, the claim language can be properly construed. These claims have been rewritten in independent form and entered as new claims 48-61, and are now in condition for allowance.

Following a brief summary of the claimed invention, the allowability of claims 1-61 as amended is discussed in detail.

Brief Summary of the Present Invention

The present invention relates to system and method for monitoring facility data. To achieve the goal, the present invention comprises measuring product data required by governmental regulation, and the ability to correlate that data back to the machines that were operational at the time the data was taken. Thereby, not only is required data about the products stored for easy submission to government agencies, but in the event that the product specs fall out of the required limits, the machines operable at the time can be quickly determined and fixed. This can also help to pinpoint exactly which shipments of the products should be recalled.

Claim Rejection - 35 U.S.C. §102(b)

The Examiner has rejected claims 1-3, 7, 9-11, 15, 19, 23, 26, 30, 33-35, 38, 41, 41, and 46 as being unpatentable over Piety et al. '325. However, in order to anticipate the claimed invention under 25 U.S.C. 102(b), the reference must teach or anticipate all limitations of the claimed invention. A claim is anticipated only if each and every element as set forth in that claim is expressly or inherently found or described in the Examiner's cited reference. The identical invention to that claimed must be shown in complete detail in the cited reference. The Applicant contends that Piety does not teach or anticipates all claim limitation of each of the claims, as amended herein.

The Examiner asserts that Piety et al. '325 anticipates un-amended claim 1 in part because it teaches a method of inputting measurement data from a plurality of measurement devices, wherein the inputted measurement data is at least partially correlated to the information related to the at least one part and the information related to the at least one field (Column 12, Lines 57-67; Column 13, Lines 1-24; Column 12, Lines 33-49; and Figure 7). However, the Piety reference teaches inputting measurement data related to the performance parameters of a particular component of a machine (Column 12, Lines 57-67; Column 9, Lines 9-18). To the contrary, claim 1 as amended does not refer to data measured from the machines themselves, but to product quality control measurement data, such as for example, governmentally regulated measurement data from the products being produced by the machines. Claim 1 as amended (indeed, all claims from 1-47 in which the "measurement data" language was present have now been amended so as to be consistent with the "product quality control" language in claim 1) specifies that the measurements taken are those required by governmental regulation for the monitoring of the quality of the products. It is this data that can be correlated back to those machines that were operational and were actually used at the time the measurement data was taken from the products passing through the plant. (Current Application, ¶ 0009, "[M]onitoring . . . quality control parameters as well as governmental requirements [of food products] . . ."; ¶ 0002, "[B]eing able to prove the quality of the process with recorded data, can provide a tremendous advantage . . ."). Also see paragraphs [0086] through [0091] for further detail.

Piety et al. '325 teaches the direct monitoring of the machines in a plant for the purpose maintenance (Claim 1, Column 24, Lines 5-26). The current invention, on the other hand, teaches the monitoring of the products produced in a plant for product quality control quality,

and the ability to determine which plant machines were functioning – and thus malfunctioning – when certain quality control measurements fell below government standards through correlation between the measurement data and the data related to at least one part. This advancement greatly reduces the required re-call that would take place if a standard is found to not be met – instead of having to re-call all products leaving the plant in an unknown (but probably very large) time window, the re-call can be much more specific to those products that came from the same factory line as the sub-standard product.

Also, while Piety does teach a system that allows inputting machine types, as well as a machine's specifications (Column 9, Lines 9-18), the current inventions allows inputting not only the machines themselves, but also the product lines that go through the machines. This allows for not only the monitoring of the machines, but the monitoring of the product as it travels through the plant. Indeed, the monitoring of the machines in a plant is not the primary goal of this invention. Instead, it is the ability to monitor the products in the plant and store that data in a manner that makes for easier compliance with governmental inquiries – and for easier correlation between the measurement data and the data related to a part – that defines this invention. The monitoring of factory machines can be accomplished with the current invention, though not necessarily through the direct monitoring of the functions of the machine.

The same language added to claim 1 was also added to the other two independent claims in the application – claims 33 and 34. The changes to claims 33 and 34 similarly reflect the difference between the current invention and that in Piety et al. '325, and the same arguments apply to these claims as was argued for claim 1. Therefore, because all three independent claims are allowable over Piety et al. '325 – specifically, Piety does not teach inputting product quality

control measurement data and correlating it to data related to at least one part – claims 2, 3, 7, 9-11, 15, 19, 23, 26, 30, 33-35, 38, 41, 42, and 46, which all depend from 1, 33, or 34, are also not anticipated under 102(b).

Claim Rejection - 35 U.S.C. §103

The Examiner has rejected claims 16, 17, 20, 21, 27-29, 31, 32, 39, 40, 44, 45, and 47 over Piety et al. '325 in view of Koether, Lang '611, and LaBudde '460 . To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all claim limitations. The teaching or suggestion to make the claim combination or combine the references and the reasonable expectation of success must both be found in the prior art and not based on the Applicant's disclosure. In re Vaeck, 947 F.2d 488, (Fed. Cir. 1991).

In this case, each of the dependent claims rejected under section 103 depend from claims 1, 33, or 34. Since all claim limitations in independent claims 1, 33, and 34 are not taught or suggested by Piety et al. '325 and the other references, taken individually or in combination – specifically inputting of product quality control measurement data and correlating it to data related to at least one part as discussed above – the claims rejected under section 103 should be allowed.

The Added Claims

The examiner has deemed claims 4-6, 8, 12-14, 18, 22, 24, 25, 36, 37, and 43 as allowable if rewritten in independent form. The Applicant has added new claims 48-61 which are identical to the above listed claims rewritten in independent form, and they are therefore allowable.

The Applicant respectfully requests that claims 1-61 be allowed based on the above remarks and amendments, and that they be allowed to proceed to issuance.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Respectfully submitted,

Date: Jun 27, 2006

Mark E. Stallion
Reg. No. 46,132
Blackwell Sanders Peper Martin LLP
720 Olive Street, Suite 2400
St. Louis, MO 63101
314-345-6000
ATTORNEYS FOR APPLICANT